

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

IN ADMIRALTY

IN THE MATTER OF:

THE COMPLAINT OF AWE
WATERSPORTS, LLC, as Owner of
the 2019, 10'7" SEA DOO GTI 130,
Personal Watercraft, bearing HIN
YDV42454L819 and Florida
Registration Number FL9462SM,
in a cause of exoneration from or
limitation of liability,

Petitioner,

v.

Case No.: 2:21-cv-259-SPC-MRM

POTENTIAL CLAIMANTS,

Claimants.

_____/

ORDER¹

Before the Court is United States Magistrate Judge Mac R. McCoy's Report and Recommendation. ([Doc. 68](#)). Judge McCoy recommends the Court enter final default judgment against all non-appearing potential claimants in this admiralty action. There are no objections to the Report and Recommendation, and the time to do so has expired.

¹ Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

After conducting a careful and complete review of the findings and recommendations, a district judge “may accept, reject, or modify, in whole or in part,” a magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1)(C). In the absence of specific objections, there is no requirement that a district judge review the report and recommendation *de novo*. See *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993). Instead, when parties don’t object, a district court need only correct plain error as demanded by the interests of justice. See, e.g., *Symonette v. V.A. Leasing Corp.*, 648 F. App’x 787, 790 (11th Cir. 2016); *Thomas v. Arn*, 474 U.S. 140, 150-52 (1985). Plain error exists if (1) “an error occurred”; (2) “the error was plain”; (3) “it affected substantial rights”; and (4) “not correcting the error would seriously affect the fairness of the judicial proceedings.” *Farley v. Nationwide Mut. Ins.*, 197 F.3d 1322, 1329 (11th Cir. 1999).

After careful consideration and an independent review of the case, the Court finds no plain error. So it accepts and adopts the Report and Recommendation in full.

Accordingly, it is now

ORDERED:

1. The Report and Recommendation (Doc. 68) is **ACCEPTED and ADOPTED**, and the findings incorporated herein.

2. Petitioner's Motion for Entry of Final Default Judgment Against Non-Responding Claimants ([Doc. 61](#)) is **GRANTED**.
3. The Clerk is **DIRECTED** to enter default judgment against all persons and entities that have not filed a claim in this action by the July 6, 2021 deadline.

DONE AND ORDERED in Fort Myers, Florida on February 25, 2022.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies:
Counsel of Record